

REVISED LAWS

*No 7*

OF THE

# NAUVOO LEGION,

FROM THE

CONSTITUTION OF THE UNITED STATES.

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BY AUTHORITY.

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JOHN TAYLOR, PRINTER,

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# LAWS OF THE NAUVOO LEGION.

FROM THE CONSTITUTION OF THE UNITED STATES.

## THE POWERS OF CONGRESS.

ARTICLE 1 Sec. 8. paragraph 14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

*Paragraph 15.* To provide for organizing, arming and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

*Paragraph 17.* To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the constitution in the government of the United States or in any department or officer thereof.

## AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE 2. A well regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed.

## CONSTITUTION OF ILLINOIS.

ARTICLE 5, paragraph 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes and Indians excepted,) resident of the state, between the age of eighteen and 45 years, except such persons as now are, or hereafter may be exempted by the laws of the United States, or this state, and shall be armed, equiped, and trained as the general assembly may provide by law.

*Paragraph 2.* No person or persons, constitutionally scrupulous of bearing arms, shall be compelled to do military duty in times of peace, provided such person or persons shall pay an equivalent for such exemption.

*Paragraph 3.* Company, battalion and regimental officers, staff officers excepted, shall be elected by the person composing their several companies, battalion and regiments.

*Paragraph 4.* Brigadier and Major-Generals shall be elected by the officers of their brigades and divisions respectively.

*Paragraph 5.* All militia officers shall be commissioned by the Governor, and may hold their commission during good behavior, or until they arrive at the age of 60 years.

*Paragraph 6.* The militia shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and election of officers, and in going to and returning from the same.

### CITY CHARTER.

**SECTION 25.** The city council may organize the inhabitants of said city, subject to military duty, into a body of independent military men, to be called the "Nauvoo Legion," the court martial of which shall be composed of the commissioned officers of said Legion, and constitute the law-making department, with full powers and authority to make, ordain, establish and execute all such laws and ordinances as may be considered necessary for the benefit, government and regulation of said Legion. *Provided*, said court martial shall pass no law or act repugnant to, or inconsistent with, the Constitution of the United States or of this State; and provided, also, that the officers of the Legion shall be commissioned by the Governor of the State. The said Legion shall perform the same amount of military duty as is now or may be hereafter required of the regular militia of the State, and shall be at the disposal of the Mayor in executing the laws and ordinances of the City Corporation and the laws of the State, and at the disposal of the Governor for the public defence, and the execution of the laws of the State or of the United States, and shall be entitled to their proportion of the public arms; and provided, also, that said Legion shall be exempt from all other military duty.

Any citizen of Hancock county, may, by voluntary enrollment, attach himself to the Nauvoo Legion, with all the privileges which appertain to that independent military body.

### AN ORDINANCE ORGANIZING THE NAUVOO LEGION.

**SECTION 1.** Be it ordained by the City Council of the City of Nauvoo, that the inhabitants of the City of Nauvoo, and such citizens of Hancock county as may unite by voluntary enrollment, be, and they are hereby organized into a body of independent military men, to be called the "Nauvoo Legion," as contemplated in the 25th section of "An act to incorporate the City of Nauvoo," approved, December 16, 1840.

**SEC. 2.** The Legion shall be, and is hereby, divided into two Cohorts,—the horse troops to constitute the first Cohort, and the foot troops to constitute the second Cohort.

**SEC. 3.** The general officers of the Legion shall consist of a Lieut. General, as the chief commanding and reviewing officer, and President of the Court Martial, and Legion; a Major General, as the second in command of the Legion, the Secretary of the Court Martial, and Legion, and Adjutant and

Inspector General; a Brigadier General, as commander of the first Cohort; and a Brigadier General, as commander of the second Cohort.

SEC. 4. The Staff of the Lieutenant General shall consist of two principal Aids-de-Camp, with the rank of Colonels of Cavalry, and a guard of twelve Aids-de-Camp, with the rank of Captains of Infantry and a Drill Officer, with the rank of Colonel of Dragoons, who shall likewise be the chief officer of the guard.

SEC. 5. The staff of the Major General shall consist of an Adjutant, a Surgeon-in-Chief, a Corronet, a Quarter Master, Pay-Master, a Commissary, and a Chaplain, with the rank of Colonels of Infantry; a Surgeon for each Cohort, a Quarter-Master-Sergeant, Sergeant-Major, and Chief Musician, with the rank of Captains of Light-Infantry; and two Musicians, with the rank of Captains of Infantry.

SEC. 6. The staff of each Brigadier-General shall consist of one Aid-de-Camp, with the rank of Lieutenant-Colonel of Infantry; provided that the said Brigadiers shall have access to the staff of the Major-General when not otherwise in service.

SEC. 7. No officer shall hereafter be elected by the various companies of the Legion, except upon the nomination of the Court-Martial, and it is hereby made the duty of the Court-Martial to nominate at least two candidates for each vacant office, whenever such vacancies occur.

SEC. 8. The Court-Martial shall fill and supply all officers ranking between Captain and Brigadier-Generals, by granting brevet commissions to the most worthy company officers of the line, who shall thereafter take rank and command according to the date of their brevets; provided that their original place in the line shall not thereby be vacated.

SEC. 9. The Court-Martial consisting of all the military officers, commissioned or entitled to commissions, within the limits of the city corporation, shall meet at the office of Joseph Smith, on Thursday the 4th day of February 1841, at 10 o'clock, A. M. and then and there, proceed to elect the general officers of the Legion as contemplated in the 3rd section of this ordinance.

SEC. 10. The Court-Martial shall adopt for the Legion, as nearly as may be, and so far as applicable, the discipline, drill, uniform, rules and regulations, of the United States army.

SEC. 11. This ordinance shall take effect, and be in force, from and after its passage.

Passed, February 3rd. A. D. 1841.

JOHN C. BENNETT, Mayor.

JAMES SLOAN, Recorder.

*President Law of the Nauvoo Legion*

SECTION 1. Be it ordained by the Court-Martial of the Nauvoo Legion in general court assembled. That all free white male inhabitants, resident in the city of Nauvoo, who are or shall be of the age of 18 and under the age of 45 years, except as may be hereinafter excepted, shall severally and respectively be enrolled in the militia, of the Nauvoo Legion, by the captain or ~~commissioned~~ officer of the company within whose bounds such citizen shall reside, within 20 days after he shall be informed of such residence; and

also, those who may, from time to time, arrive at the age of 18, who shall reside in the bounds of his company; and shall without delay, notify such person by an officer or non-commissioned officer of the company.

*Provided*, that it shall be the privilege of any such person, within the aforesaid 20 days, to volunteer into any of the independent companies of the Legion.

*an Inspector General*

SEC. 2. That the staff of the Lieutenant-General, shall consist of a Chief Chaplain, four Aid-de-Camps, a drill officer, and secretaries not exceeding two, each to have the rank of Colonel of Cavalry, and a guard of twelve Aids-de-Camp with the rank of Captain. The drill officer likewise to be the chief officer of the guard.

SEC. 3. That the staff of the Major-General, shall consist of an Adjutant-General, to act as Division Inspector, a Quarter-Master-General, a Surgeon General, a Commissary-General, a Pay-Master-General, a Chaplain, a Judge-Advocate, a Cornet and ~~one~~ Aid-de-Camp, each with the rank of Colonel of Infantry; a Quarter-Master-Sergeant, a Sergeant-Major and a Chief Musician, each with the rank of Major.

SEC. 4. That the staff of the Brigadier-General shall consist of one Cohort, or Brigade-Inspector, to act as Brigade-Major, one Quarter-Master, and one Aid-de-Camp. The Aid-de-Camp to perform the duties of Cohort or Brigade-Judge-Advocate, one Surgeon, one Chaplain, and one Cornet, each with the rank of Major.

SEC. 5. That to each regiment their shall be one Colonel, one Lieutenant-Colonel, and one Major, with a regimental staff to be appointed by the Colonel to consist of one Adjutant, who shall act as Regimental Judge-Advocate, one Quarter-Master and one Pay-Master, each to rank as Captains: one Surgeon, one Sergeant-Major, one Quarter-Master-Sergeant, one drum and one Fife-Major, and one Color-Bearer.

SEC. 6. That to each company there shall be one Captain, three Lieutenants, ~~one~~ Ensign, five Sergeants, one Pioneer, four Corporals, and not less than two nor more than four appropriate musicians. The Serjeants, Pioneer and Corporals to be appointed by the Captains, respectively, and to hold their appointments by certificate.

SEC. 7. That each Cohort or Brigade, Regiment, Battalion and Company of the same grade when in the field, shall take rank from right to left in the following order: first, fifth, fourth, seventh, third, eighth, sixth, second, according to the rank of the captains.

SEC. 8. That each cohort or brigade shall consist of not less than two regiments, each regiment of two battalions or squadrons, as the case may be, each battalion or squadron of not less than two nor more than four companies; each company shall consist of not less than thirty-two nor more than sixty-four rank and file; and no private shall be permitted to leave the company to which he belongs, without the permission of his Captain, unless in case of promotion; and no Captain shall give such permission unless his company shall consist of more than sixty-four, rank and file, and each member over that number, may claim a discharge from his captain by producing evidence that he has attached himself to another company.

SEC. 9. That every officer commissioned by virtue of this act, shall within thirty days after receiving his commission and previous to entering upon the duties of his office, take an oath to support the Constitution of the United States, and of this State, also, an oath of office; an endorsement or certificate of which shall be endorsed on the back of his commission by the person administering the same, and if any person receiving such commission, who was elected by his own consent, shall fail to take the oath as aforesaid, within the time herein provided and give notice thereof within twenty days thereafter to the proper officer whose duty it shall be to direct such vacancy to be filled; he shall be fined in the sum of ten dollars, by sentence of the appropriate court-martial, and forfeit his office; which shall be filled as in other cases. Provided, that any officer declared duly elected, may receive a certificate of any superior officer, which shall entitle him to command, until his commission can be procured, and in all cases the officer giving such certificate, shall administer to such officer the necessary oaths of office. Provided, also, that when it shall be necessary to administer oaths to carry into effect any of the provisions of this act, any judge, justice of the peace, or officer of the legion, duly commissioned and sworn, shall be authorized to administer such oaths.

SEC. 10. That for good cause shown, the Commander-in-Chief of the legion, may receive the resignation of a Major-General, a Major-General may accept the resignation of a Brigadier-General under his command; a Brigadier-General may accept the resignation of a Colonel under his command, and Colonels may accept the resignations of commissioned officers under their respective commands, and in all cases when a resignation is accepted, the cause of such resignation shall be given in writing by the officer so resigning which shall be endorsed on the back of the commission, or if the commission be not surrendered the letter of resignation shall be preserved by the officer receiving it, and it shall be the duty of all officers authorized to accept resignations as aforesaid, to order elections to fill such vacancies, within twenty days, as may occur by resignation or otherwise, giving at all times sufficient notice of such election, and except in cases of emergency, the order for an election of a Major or Brigadier-General shall be given, at least twenty days previous; stating the time and place of holding such election; for the election of any field or company officer, the order for the same shall be given at least ten days previous, stating the time and place of holding such election. It shall be the duty of all officers ordering elections as aforesaid to attend the place of holding such election and organize the board.

SEC. 11. That all returns of elections so held, shall be made to the officer ordering the same, who shall make returns thereof, within thirty days thereafter, to the Adjutant-General of the legion, the names of all officers who may have thus been duly elected.

SEC. 12. That it may be lawful for any field or company officer to be elected, without previous notice, whenever the regiment, battalion or company, as the case may be, have been called out to do military duty according to law, provided returns be made as aforesaid.

SEC. 13. That it shall be the duty of all officers authorized to appoint staff-officers by virtue of this act to accept their resignations as above, and fill all vacancies in their own staff by appointment and make returns thereof to the proper officer as in cases of election.

SEC. 14. That the manner of voting shall be, by the elector addressing the Judges of election in his own proper person, and with an audible voice, to be heard by the Judges and Clerk, name the person he votes for, and the Clerk shall enter the name of the person voting, and his vote accordingly in a poll-book to be provided for that purpose; which poll-book shall be, as near as may be, in the following form, to wit:

A poll-book of an election held at \_\_\_\_\_, in the county of Hancock, in the \_\_\_\_\_, of the Nauvoo Legion, of the Illinois Militia, on the \_\_\_\_\_, day of \_\_\_\_\_, 18\_\_\_\_.

Names of voters.	Candidates for &c.		
	A. B.	C. D.	E. F.
J. T.	1		
K. L.		1	
M. N.			1

When all the votes shall be given, they shall be examined and counted, the Judges shall cause the clerk to make out a return thereof as near as may be, in the following form, to wit:

At an election held at \_\_\_\_\_, in the county of Hancock, in the \_\_\_\_\_ of the Nauvoo Legion, of the Illinois Militia, on the \_\_\_\_\_ day of 18\_\_\_\_, the following named persons received the number of votes annexed to their names, for the following described offices, to wit:

A. R. had votes for &c.  
C. D. had votes for &c.

(And in like manner all other officers)  
Certified by us,

Attest,  
U. V. Clerk,  
of election,

O. P. } Judges  
L. R. } of  
S. T. } election.

Which return when so made out and certified, shall be transmitted by the Judges to the officer ordering the election, also a poll-book as aforesaid shall be kept by the officer whose duty it shall hereafter be made, to act as clerk of election; and in case of a contested election, it shall be the duty of the said clerk, to transmit the same to the presiding officer of the court of inquiry in which such contest shall be tried; and the person having the greatest number of votes shall be declared duly elected.

SEC. 15. That all contested elections, shall be tried by a board of officers, to be appointed for that purpose by the officer ordering the same. Provided, that in all cases the numbers composing such board of officers as aforesaid, shall be as near as may be, the rank of the officer whose election shall be contested; and shall consist of not less than three nor more than seven members.

SEC. 16. That the officer appointing the board of officers, as aforesaid, shall notify each member thereof in writing, of the time when, and place where, such board is to be held; and if any officer when so appointed and notified as aforesaid, shall neglect or refuse to attend at the time and place of

holding such board, he shall be liable to be fined as in other cases for neglect of duty, and the decision of all such boards of officers, which may at any time be instituted as aforesaid, shall be final and conclusive.

**SEC. 17.** That when any election shall be contested, as aforesaid, it shall not be lawful for ~~any~~ officer, whose duty it may be to certify the same, to make returns thereof, until a decision shall be had thereon, as aforesaid, after which the presiding officer of the board shall certify to the officer who may have appointed the same, which of the contending parties ~~are~~ entitled to the office; and such successful party shall then be commissioned as in other cases. Provided, that no exceptions shall be allowed to be taken to the election of any officer, unless the same be done within ten days after such election shall have been held.

**SEC. 18.** That the presiding officer of any board, which may, at any time, be appointed, to pass upon a contested election, as aforesaid, shall have power, at the request of either party, to send for and examine witnesses; and if any witness, when properly summoned, shall refuse or neglect to attend any such board, as aforesaid, without a reasonable excuse, it shall be the duty of the presiding officer as aforesaid, to turn such witness over as a delinquent to the next regular court of inquiry, having proper jurisdiction, who shall thereupon proceed to acquit, or to assess the fine of such witness, as circumstances shall require, in like manner as is prescribed against delinquents for failing to attend general muster, when legally required so to do.

**SEC. 19.** That all oaths of office, to be taken by the officers of this legion, shall be as near as may be, in the following form, to wit: "I do solemnly swear (or affirm,) that I will support the constitution of the United States, and of this State, and that I will not be engaged in dueling, either directly or indirectly, during my continuance in office; and that I will faithfully discharge the duties of , in the , of the Nauvoo legion of Illinois militia, to the best of my skill and understanding, so help me God;" which said oath shall be certified on the back of the commission or certificate (as the case may be,) by the officer administering the same.

**SEC. 20.** That the Legion shall parade in the following manner; to wit: each company in the legion shall hold a company parade on the first Saturday, each battalion a battalion parade on the second Saturday, and each regiment a regimental parade on the third Saturday of May, annually, at such place as the commandants of said companies, battalions, and regiments respectively may direct, by giving at least ten days public notice, by advertising the same in three public places: Provided, the parades as aforesaid be in the bounds of the said companies, battalions or regiments; and, provided also, that the Brigadier General of each cohort or brigade may have the power to change the days of the regimental parades to suit his own convenience, as a reviewing officer, and, provided also that the time of such parade shall be not less than one week before the court of assessment, and the court of assessments of fines shall be held on the first Saturday in June.

**SEC. 21.** That there shall also be a company parade on the first Saturday, a cohort or brigade parade on the second Saturday, and a legion parade on the fourth Saturday in September, annually, and the officer drills for said cohort and legion parades shall be on the days previous thereto respectively, and all officers in the city of Nauvoo, or within ten miles thereof shall be required to attend said drills except such officers as reside beyond said limits, who shall be exempted from duty on the day of the cohort officer drill, except

commandants of companies and field officers; Provided, also, that chaplains shall be exempt from duty on the days of the officer drills as aforesaid.

SEC. 22. That companies, battalions, and regiments, shall be formed for parade at 10 o'clock, A. M. at which hour the roll shall be called; and shall be required to perform not less than four nor more than six hours duty each day, as aforesaid; Provided, however, that on days of cohort and legion parades the commandants thereof may have power to order the time and place of holding the parades, as aforesaid, as they may deem proper.

SEC. 23. That there shall be a legion or division court of inquiry and assessment of fines, to be composed of the Major General as president, the Brigadier Generals, and drill officer, as members; and the Adjutant General as Secretary. It shall be the duty of said court to assess fines on all delinquent officers, non-commissioned officers, on all officer drill parades, and also all delinquent general officers, or any of their staff, on all cohort or legion parades, in conformity to the provisions of this act.

SEC. 24. That there shall be a regimental court of inquiry and assessment of fines, in each regiment, to be composed of the Colonel as president, the Lieutenant Colonel, Major, and Captains as members, and the Adjutant as Secretary. It shall be the duty of said court to assess fines on all delinquent officers, noncommissioned officers, musicians and privates belonging to such regiment, in conformity to the provisions of this act.

SEC. 25. That it shall likewise be the duty of each court of assessment to fine any member of said court who does not attend the same according to the provision of this act.

SEC. 26. That each court of assessment shall meet at 10 o'clock, A. M. and continue in session from time to time, by adjournment, until all the business shall be finished, at such places as the presidents respectively may appoint on the regimental and legion parades, and it shall be the duty of all delinquents so returned, to appear without further notice at said court, to make a lawful excuse if any they have; and should any person feel ~~themselves~~ aggrieved by the decision of said court, ~~they~~ may appeal to the president of the board who shall have to remit the fine. *see page 49 of record.*

SEC. 27. That it shall not be lawful for any officer to remit fines unless upon the testimony of the person applying upon oath, or other satisfactory evidence, it shall appear that he was out of the county on the day on which he was required to do duty, or in case of sickness with himself or family; or that he was detained by the requirements of the civil law, or that he was not subject to do duty in the company, staff, or corps, in which he was returned as a delinquent, or that he did duty in the company to which he belongs according to law. And it shall be the duty of all officers authorized to remit fines aforesaid, to cause the secretary of the board of assessment to keep record of the same in a book kept for that purpose, in which shall be recorded the testimony given by or in behalf of the person so applying, and any officer who shall wilfully remit any fine except as above provided, shall be cashiered by the decision of a court martial detailed by the officers having proper jurisdiction.

SEC. 28. That the presiding officer of each board shall cause the Secretary of the same, to keep a record of the proceedings of the court, in a book kept for that purpose and make out therefrom a certified list of the names of the

persons fined with the fine or fines annexed to each name, upon which list it shall be the duty of the presiding officers to issue, and furnish to the collector, the following warrant within thirty days from the court of assessment, which shall be his authority for collecting and paying over the same, to wit:

**STATE OF ILLINOIS,** } SS. To A. B. Collector for the Nauvoo Legion,  
**HANCOCK COUNTY.** } Greeting:

In the name of the people of the State of Illinois, you are hereby required and commanded to collect from each person named in the foregoing list, the several sums of money set opposite their names, and within ninety days after receiving this warrant, to pay over to the Paymaster of the Legion (or Regiment as the case may be,) the amount so collected, and take his receipt for the same, and if any one or more of said persons shall neglect or refuse to pay the same, you are hereby further commanded to levy on the personal goods and chattels of each delinquent and make sale thereof according to the law regulating the collection of debts of a similar amount by execution in this State.

Given under my hand, this      day of      18

C. D. Maj. Gen. or Col.

(as the case may be,) and president of the court.

And the collector, or any person authorized to collect fines under the provisions of this act, who shall neglect or refuse to pay over the amount so collected, as required by the foregoing warrant, after deducting twenty per cent which shall be his fees for collection. It shall be the duty of the Paymaster to whom the returns were to be made, to proceed against such collector, as aforesaid, or his securities, before any Justice of the Peace of said county or any court having proper jurisdiction; and the said collector or his securities shall only be exonerated from the payment of the amount of such fines, by showing to the satisfaction of said Justice or court, as aforesaid, that there was no property whereon to levy, of which such fine or fines could be made, or that the fine or fines had been remitted by the president of the court issuing the same in conformity to the provisions of this act.

**SEC. 29.** That the following forfeitures and penalties shall be incurred for delinquents on cohort or legion parade days, to wit: the Lieutenant and Major General, twenty dollars; Brevet Major Generals and Brigadier Generals, fifteen dollars; Brevet Brigadier Generals and Colonels or any officer holding the rank thereof, ten dollars; Lieutenant Colonels and Majors or any officer holding the rank thereof, eight dollars; Captains or any officer holding the rank thereof, five dollars; Lieutenants and Ensigns or any officer holding the rank thereof, three dollars; Non-Commissioned officers Musicians and privates, two dollars; and for delinquencies at officer drills, or any regimental, battalion or company parade or for neglect of any orders of a superior officer, they shall be fined in proportion to rank, as recited in the foregoing part of this section, in one half the sums aforesaid.

**SEC. 30.** That fathers shall be bound for the payment of fines incurred by their sons under twenty-one years of age, guardians for the payment of fines incurred by their wards; and masters for the payment of fines incurred by their apprentices, to be charged and collected accordingly.

**SEC. 31.** That on complaint of a commissioned officer, in writing, to a superior officer, charging any officer, under the command of such superior, with neglect of any of the duties enjoined on them by this act, of disobedience of orders, or of being guilty of any conduct unbecoming an officer or a gentleman, such superior officer shall, if he thinks the complaint sufficient cause for

an arrest, cause the officer against whom such complaint is made, to be arrested by notifying such officer in writing, that he is suspended from command until acquitted from such arrest, stating at the same time, the grounds of such arrest, and the time and place of trial; and at the same time notify the officer next in command, that in consequence of such arrest, he is required to do the duties which were enjoined on the officer so arrested. Provided, that when any superior officer shall consider the charges made against any officer of insufficient consequence to cause his arrest, he shall, on application of the officer preferring the charges, give his reasons in writing for his refusal to cause the arrest, which reasons the complaining officer may send, together with the charges, to the next common superior, who may, if he thinks correct, order the arrest and trial of such officer.

**SEC. 32.** That in all cases when an officer is arrested, the officer who orders the arrest shall issue any summons (subpœnas,) that may be applied for by either of the parties, or which he may think necessary to compel the attendance of witnesses; and the party so applying, or any person whom the officer granting the summons (subpœnas,) may appoint, may serve the same, and endorse the time of such service thereon, which shall be at least three days previous to the sitting of the court martial, except in cases of emergency, and shall make a return thereof to the president of said court the first day thereof, who shall, if necessary, administer an oath or affirmation to the person returning the summons (subpœna,) relative to the service thereof; and any person who neglects or refuses to attend a court martial, after being summoned, (subpœnaed,) shall be fined in a sum not exceeding fifty dollars, which fine shall be collected and applied as other fines under the provisions of this act; and any court martial appointed under the provisions of this act, shall have power to issue compulsory process to compel the attendance of witnesses who neglect or refuse to attend after being duly summoned.

**SEC. 33.** That a Major General shall be tried by courts martial appointed by the Lieutenant General, where a Major General shall preside. Brigadier Generals shall be tried by courts martial appointed by the Major General, where a Brigadier General shall preside. Colonels, Lieutenant Colonels, Majors and Captains, shall be tried by courts martial, appointed by the Brigadier General, where a Colonel shall preside; and subalterns shall be tried by courts martial appointed by a Colonel, where a Lieutenant Colonel or a Major shall preside; and all commissioned staff officers shall be tried by courts martial detailed by their respective superior officers as in other cases under the provisions of this act. Each court martial shall consist of not less than five nor more than thirteen members, and to be of rank as near as can conveniently be had, of the officer tried; all court martials so ordered, shall have power to punish any officer for neglect of duty, disobedience of orders, contempt, or any conduct unbecoming an officer or a gentleman, by suspension, fining, cashiering and disqualification to hold any office in the Nauvoo Legion, and in all cases where fines may be assessed against any person by the sentence of such court martial, they shall be collected by warrant from the president as in cases of delinquents by the provisions of this act.

**SEC. 34.** That when any court martial is met agreeably to the provisions of this act, the president shall administer the following oath or affirmation to the Judge Advocate: "You do solemnly swear (or affirm,) that you will not disclose or discover the vote of any particular member of this court martial, unless required to give evidence thereof as a witness by a court of justice, nor divulge the sentence of the court to any but the proper authority, until

it shall be disclosed by the same;" and the Judge Advocate, or person acting as such, shall administer the following oath to each member of such court martial: "You do solemnly swear, (or affirm,) that you will truly determine, according to evidence the matter now before you, between the United States, the State of Illinois, or the Nauvoo Legion, (as the case may be,) and A. B. (the person to be tried,) and that you will truly administer justice, according to law, without partiality, favor or affection, according to your conscience and the best of your understanding, and the customs of war in like cases, and that you will not divulge the sentence of the court, until it shall be published by the proper authority; neither will you discover the vote or opinion of any member of the court, unless required to give evidence thereof in a court of justice." The Judge Advocate shall prosecute in the name of the United States, the State of Illinois, or the Nauvoo Legion, (as the case may be,) but shall so far consider himself council for the person accused as to object to any leading question being put to them or any witness which might tend to criminate himself; he shall also see that right and justice shall be done to the accused. All persons giving evidence before a court martial are to be examined on oath, in the following manner: "You do swear (or affirm,) that the evidence that you give, shall be the truth, ~~the whole truth~~, and nothing but the truth." The court shall have power to punish its members, or any persons attending the same, for disorderly conduct, as in other cases; and in giving their votes on any subject, to begin with the lowest in rank: Provided, that the party tried by such court martial shall be entitled to a copy of the sentence, and the proceedings of the court in his case, after the decision and sentence, upon demand thereof, whether such sentence be approved or not: Provided, also, that all sentences of any such court martial shall be submitted to the officer ordering the same, who shall have power to approve or disapprove the sentence of any such court; also to pardon or mitigate the sentence.

**Sec. 35.** That the Adjutant General or Division Inspector, be allowed the sum of five dollars for each regiment he shall actually inspect, by order of the Major General of the Legion, on the certificate of the Major General; the Cohort or Brigade Major the sum of ten dollars, annually for each battalion in the cohort or brigade to which he belongs on the certificate of the Brigadier General, to be paid out of the State treasury.

**Sec. 36.** That it shall be the duty of every officer belonging to the Legion, who may have occasion to leave the bounds of the Legion for more than one month, at any time, to notify the officer next in command in writing on the subject, ordering him that in consequence of his absence, he is required to do the duties which were enjoined on himself until he shall return; also, the post of any staff officer merely acting by appointment and not commissioned, be considered vacated in consequence of neglect of duty, and another may be appointed to fill his post.

**Sec. 37.** That each Regimental or Battalion Adjutant, shall receive annually, from the treasury of the legion, two dollars for each company in their respective regiment or battalion, on condition of the faithful performance of their duty, on the certificate of their Colonel or Major, and that the record books of the Adjutant shall be open to the inspection of their respective field and General officers.

**Sec. 38.** That the Adjutant General or Division Inspector shall be allowed thirty dollars, annually, in consideration of the faithful performance of his duty on the certificate of the Major General.

SEC. 39. That the officers composing the courts of inquiry and assessment of fines, shall be allowed for their services one dollar and fifty cents each, per day, to be certified by the presiding officer of the board.

SEC. 40. That all disbursements, made pursuant to this act, shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 41. That the Major General may issue bills of credit to the amount of five hundred dollars, to be signed by himself or the Lieutenant General or both, at their discretion, and countersigned by the Paymaster General of the legion, and redeemable out of any money in the treasury not otherwise appropriated.

SEC. 42. That each collector of fines be required to give bonds with approved security to the Paymaster of the legion or regiment, as the case may be, to twice the amount of the fines which are put into their hands for collection, before entering upon the duties of their office.

SEC. 43. That there shall be a general court martial of the Nauvoo Legion held on the third Saturday in October, annually, to continue in session by adjournment, until all business before it shall be finished, at such time and place as the Lieutenant and Major Generals, shall appoint.

SEC. 44. That the Lieutenant and Major Generals, may have power to call a special session of the general court martial of the Nanvoo Legion, and also, to order out the legion at any time when they may deem proper; and for non-attendance on such order, delinquents shall be fined as in other cases of general parade.

SEC. 45. That it shall be the duty of the commandants of the several parades as above provided, to give at least ten days notice thereof by advertisement in three public places, except in cases of a special call.

SEC. 46. That any collector of fines may apply to any Alderman or Justice of the Peace for a garnishee, in any case where he may see proper, where he may not be able to find property to levy on, according to the law regulating the collection of debts by garnishee in this state.

SEC. 47. That it shall be the duty of the Lieutenant General, to review the legion at least once every year.

SEC. 48. That it shall be the duty of the Major General to take command on all legion parades, and all legion officer drills, also to act as reviewing officer at cohort parades at least once each year, to cause the Adjutant General or Division Inspector to record all general orders, also all reports and rank rolls received, annually, from the several cohorts or Brigades, and when required by the Commander-in-Chief, of the State to make out legion or division returns and rank-rolls to be forwarded to the Adjutant General of the State; also, to issue enlisting orders for the raising of new companies, at his discretion; to cause the Adjutant General of the legion to apply for and receive commissions, at least every six months; and do and perform all other duties that in anywise appertain to the office of Major General.

SEC. 49. That it shall be the duty of the Brigadier Generals, to review the several regiments and odd battalions composing their respective cohorts or brigades, annually, at the regimental musters, and to cause their respective brigade Majors to record all reports received annually from the several regi-

ments and odd battalion) composing their commands and make out a consolidated cohort or brigade return therefrom and forward one to the Major General of the legion or division and one to the Adjutant General of the State on or before the first day of December, annually, and to do and perform all other duties which may be necessary to the perfection of discipline, or which may in anywise appertain to the office of Brigadier General.

**SEC. 50.** That it shall be the duty of the Colonels commanding regiments and Majors commanding odd battalions, to make from the several officers commanding battalions or companies, a complete return of their respective commands, on the day of the regimental parades, annually, to cause their Adjutants to record all returns so received, also all orders received or issued by themselves, and to make out a Regimental return and rank-roll and forward it to the Brigadier General of their respective cohorts or brigades by the first day of October, annually, also to be responsible for the good order of their respective regiments or odd battalions and cause to be executed the laws and orders applicable to their commands, and to do and perform all other duties belonging to their respective offices.

**SEC. 51.** That it shall be the duty of the Lieutenant Colonel and Major commanding battalions, to assume the command at all musters of their respective battalions, to require of the officers commanding companies, annual returns on the day of the battalion parades, and on the day of the regimental muster, deliver said returns to their respective Colonels, and do and perform all other duties which may in anywise appertain to their office.

**SEC. 52.** That it shall be the duty of Captains or commandants of companies to take command of their respective companies at all company, battalion, regimental, cohort, brigade, and legion, or division parades at the hour specified by the provisions of this act; and to cause the roll of their respective companies to be called under their immediate inspection, noting all delinquents at any such muster upon the company roll or report of delinquents, made out by them for that purpose, which roll or list shall be returned by them to the appropriate court of assessment of fines also, to read or cause to be read, so much of the laws of the legion as relates to the duties of companies, at the head of their respective companies at every company parade, and to do and perform all other duties appertaining to the office of Captain.

**SEC. 53.** That in all cases of the death, removal, absence, or resignation of any superior officer, it shall be the duty of the next officer in rank attached to the same corps to assume the command and perform all the duties that would have devolved on any such commanding officer were he present, and to exercise the same until such superior shall return, or the vacancy be filled, agreeably to the provisions of this act, in like manner if it should happen at any time that there is no commissioned officer belonging to any company, it shall be the duty of the senior non-commissioned officer of such company to assume the command, under the same penalties that any superior officer of a company would be were he present, for any neglect of duty.

**SEC. 54.** That it shall be the duty of the drill-officer to take command of the Lieutenant General's guard at all times when they are called out, and note and return all delinquents under his command according to the provisions of this act.

**SEC. 55.** That it shall be the duty of the Adjutant General or Division Inspector to distribute all orders from the Major General of the legion or Ad-

Adjutant General of the State; attend all reviews with the Major General, to act as drill-officer at all legion or division officer drills, under the Major General; to record all orders received or issued by the Major General, all returns and rank-rolls received, annually, from the cohorts or brigades also to make out division returns when required by the Major General, or any superior officer, also, to act as clerk at all elections ordered by the Major General; to form the legion, and call the roll of the Major General's staff under his inspection at all legion parades, and perform such other duties as may in anywise appertain to his office.

SEC. 56. That it shall be the duty of the Quarter-Master General of the legion to apply for and receive all arms that are or may become due to the legion, from the State; to deposit all arms so received, or which may have heretofore been received and not otherwise disposed of, in some safe place, also to employ means to preserve all such arms from damage, as in his opinion may, from time to time become necessary, to furnish when required so to do by his superior officer, a full exhibit of all arms in his possession, belonging to the State, also to do and perform all other duties that may in anywise appertain to the office of Quarter-Master General.

SEC. 57. That it shall be the duty of the Paymaster General of the legion, within twenty days from the passage of this act, to give bonds, with sufficient security, to the amount of five thousand dollars, to the general court martial of the Nauvoo legion, for the due performance of his duty. It shall also be his duty, to receive all monies belonging to the legion, according to the provisions of this act, which shall only be paid out upon the certificate of the Major General, or by an act of the general courts martial, except as provided above, to attend all general court martial, and lay before it an account of the finances of the legion, stating particularly all monies received and paid out, with his several proceedings relative to the duties of his office, and all account so exhibited and settled by the court martial, shall be entered by the secretary on the record book of the court martial, and do and do and perform such other duties as may in anywise appertain to his office.

SEC. 58. That it shall be the duty of the Brigade Major, to attend all regimental musters composing their respective cohorts or brigades, to inspect the arms and equipments of all officers and privates at every such muster, also, to record all orders received or issued by the Brigadier General, also, all returns and rank-rolls received, annually, from the several regiments composing their respective cohorts or brigades in a general order-book kept for that purpose, to consolidate the annual returns and rank-rolls received from the several officers commanding regiments in their cohorts or brigade, into a brigade return agreeably to the requirements of the State law, and on or before the first day of December, annually, transmit one copy to the Major General of the legion, and one to the Adjutant General of the State, also attend all elections ordered by the Brigadier General as clerk of the same, also to form their respective cohorts or brigades and call the roll of the Brigadier General's staff under his inspection, at all cohort and legion parades; also to act as drill-officer at all cohort or brigade officer drills, under the Brigadier General, to distribute all general orders, and do and perform all duties as may in anywise be necessary for the perfection of discipline, and all other duties that appertain to his office.

SEC. 59. That it shall be the duty of the Quarter-Master of each cohort to apply for and receive all arms from the Quarter-Master General of the le-

gion that are or may become due to their respective cohorts or brigades, from the Quarter-Master General of the legion, and give bonds for the same to the Quarter-Master General of the legion, and to do and perform all other duties that in anywise appertain to his office.

SEC. 60. That it shall be the duty of the Adjutants of regiments, to deliver all regimental orders, also to record all orders received or issued by their respective commanding officers, also, all annual returns received by them and the date of each officer's commission belonging to their regiment, noting all resignations, removals, or deaths of any officer, in an order-book kept for that purpose, also, to make out, under the direction of the commanding officer, regimental returns and rank-rolls, also, to attend all elections, ordered by their respective commanders, as Clerk of the same, to form the regiment at all regimental, cohort and legion parades, and immediately thereafter inform the commanding officer that the parade is ready, also, to call the roll of the field and Staff officers at all such parades, under the inspection of the commanding officer, and note all delinquents, and to do and perform such other duties as may be required of them by their superior officer.

SEC. 61. That it shall be the duty of the Quarter-Master of each regiment to apply for and receive all arms from the Quarter-Master of their respective cohorts, or brigades, that are, or may become due to their respective companies, and to give bonds for the same, to the Quarter-Master of their respective cohorts or brigades, and to do and perform all other duties that in anywise appertain to his office.

SEC. 62. That it shall be the duty of the Paymaster of each regiment before entering upon the duties of his office to give bonds to the Paymaster General of the legion, to the amount of two hundred dollars, with approved security, for the due performance of his duty, also, to receive all monies, collected in their respective regiments, from the person authorized to collect fines, and give his receipt for the same, and pay over the same to the Paymaster-General of the legion, except as otherwise provided, within ten days after the receipt thereof and take his receipt for the same, and do and perform all such other duties as in any wise appertain to his office.

SEC. 63. That it shall be the duty of the Sergeant-Major to assist the Adjutant in forming the regiment, at all parades; also, to assist him in delivering all orders to the regiment, and do and perform such other duties as he may be required by his superior officer, or that may belong to the station of Sergeant-Major.

SEC. 64. That it shall be the duty of regimental Surgeons, to grant certificates to persons for inability to do military duty according to law.

SEC. 65. That all officers belonging to the general or regimental staff, whose duties are not defined particularly by this act, shall attend all musters held by their respective commanding officer to obey all orders from them or any superior officer, and do and perform such other duties as may in anywise appertain or belong to their respective stations.

SEC. 66. That any non-commissioned officer, musician, or private, who shall disobey orders, or be guilty of any kind of insubordination on parade, shall be returned in the list of delinquents, and fined not exceeding five dollars by the proper court of assessments.

SEC. 67. That any commissioned or non-commissioned officer or private who shall appear on parade with loaded fire-arms, or loading the same on the field without orders from their respective commanding officers, shall be returned as above and fined in any sum not exceeding twenty dollars, at the discretion of the proper court of assessment.

SEC. 68. That any commissioned or non-commissioned officer or private, who shall appear on parade without his proper arms and accoutrements, shall be fined in the sum of fifty cents; Provided, that no one shall be compelled to appear on parade with arms unless he actually has them, and that the oath or affirmation of the person shall be evidence on the case, and from and after the first day of September next, if any commissioned, non-commissioned officer or private, shall appear on parade without some instrument of war and necessary accoutrements, he shall be fined in the sum of one dollar by the proper court of assessment.

SEC. 69. That the band shall consist of two divisions, the martial portion, to be called the first division, and the brass portion, the second division, and to be commanded by the Chief Musician, whose duty it shall be to dispose of said band among the legion, appropriating a proper portion of music to each company and regiment beginning at the oldest company and regiment first; and further that said Chief Musician be empowered to increase said band to a sufficient number to meet all demands of the legion: Provided, that Colonels and Captains may provide their own music by attaching it to said band.

SEC. 70. That there be added to the staff of the Brigadier General of the first cohort, one musician, and to the staff of the Brigadier General of the second cohort, two musicians to rank as Captains.

SEC. 71. That each company shall be supplied with not less than two nor more than four appropriate musical instruments, and each regiment in the first cohort a trumpet, and each regiment in the second cohort with a bass drum.

SEC. 72. That the commander of each regiment, be authorized to retain sufficient means in his own hands to defray the necessary expenses of the same and buy the prescribed instruments for his regiment.

SEC. 73. That any officer, authorized to remit fines, shall be allowed the sum of twenty-five cents for each fine remitted, to be paid by the person applying.

SEC. 74. That no property which has been levied on by any collector for fines, shall be released until all costs arising thereon shall have been paid, in consequence of the person having obtained a remission of his fine, after said levy.

SEC. 75. That the following property shall be exempt from execution for fines due the legion, to wit: fifteen dollars worth of household furniture, necessary cooking utensils, bed and necessary bedding for each two in family, and bedsteads, necessary wearing apparel for the family, one cow and calf, and three months provisions; Provided that the wearing apparel of the delinquent shall not be exempt.

SEC. 76. That all laws and parts of laws heretofore passed and not embraced in this act, be, and they are, hereby repealed.

SEC. 77. This act to take effect and be in force from and after its publication.

WILSON LAW,  
*President of the Court.*

HOSEA STOUT, *Secretary.*

Approved, February 14, 1844.

JOSEPH SMITH,  
*Lieut. General, Nauvoo Legion.*

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## RESOLUTIONS

PASSED BY THE GENERAL COURT MARTIAL OF THE NAUVOO LEGION.

*Resolved*, That an Arsenal be built in the city of Nauvoo, to be located in any part of the city, where the Lieutenant and Major Generals may direct, who are also authorized to make, or cause to be made a draft of the same, and also to purchase any piece of ground for the aforesaid purpose, which they may deem proper.

*Resolved*, That any Constable or Collector of fines, be, and is hereby authorized, if he cannot obtain money, to take property in payment of fines, at a fair valuation, at his own discretion, and make returns thereof to the proper officer as in other cases. Passed June 10, 1843.

*Resolved*, That the Major and Lieutenant Generals, be, and are hereby authorized to regulate the building of the Arsenal, and make such other improvements on the ground on which it is to be built, as they may deem necessary, with full power to carry into effect any order or regulation which they may deem proper for the peace and benefit of the legion and the security of the public arms. Passed October 21, 1843.

*Resolved*, That a committee of seven, be and are hereby appointed, whose duty it shall be to meet at such times as may be appointed, and deliberate upon all matters, relative to the benefit, government, regulation and good order of the legion, and make report thereof to the general court martial from time to time, and said committee to be governed by their own by-laws, and that said committee be allowed each one dollar and fifty cents for each day's services; the committee to be chosen annually by the general court martial. Passed January 13, 1844.

**RANK ROLL**

OF THE NAUVOO LEGION OF THE ILLINOIS MILITIA, FOR THE YEAR 1844.

[ 20 ]

## ARTICLES OF WAR.

*An Act for establishing Rules and Articles for the government of the Armies of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

ART. 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently, or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldier, every person so offending, shall, for his first offence, forfeit *one sixth of a dollar*, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence, one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (except in cases of sickness or leave of absence,) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice-President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

ART. 7. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

ART. 10. Every non-commissioned officer or soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer, who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence, shall take the following oath or affirmation: "I, A. B., do solemnly swear, or affirm, (as the case may be) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies, or opposers, whatsoever; and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States." Which justice; magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted, did take the said oath or affirmation.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States or by sentence of a general court martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and the captain or other inferior officer commanding a troop or company, or in any garrison, fort or barrack, of the United States, (his field officer being absent)

may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop, or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and times of absence, shall be inserted in the muster-rolls opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster-rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted, before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster-rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 16. Any commissary of musters or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on the mustering any regiment, troop, or company, or on signing the muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the servise of the United States.

ART. 17. Any officer who shall presume to muster a person as a soldier who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorised to call for such returns, of the state of the regiment, troop or company, or garrison, under his command, or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof, before a court martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through the proper channels, to the department of war an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

ART. 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

ART. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

ART. 22. No non-commissioned officer or soldier, shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended in the presence of his commanding officer.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier of suffering corporeal punishment, at the discretion of a court martial.

ART. 26. If any commissioned or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever, to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall be deenied principals, and punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger: and all officers and

soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future sutling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to sutle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls, let out to sutlers, or connive at the like exactations in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks; for the use of the soldiers, on the penalty of being discharged from the service.

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if, upon complaint made to him, of officers or soldiers beating or otherwise ill treating any person, of disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of the United States; he the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offenders' pay shall enable him or them, shall, upon proof thereof, be cashiered or otherwise punished, as a general court martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or having used violence, or committed any offence against the persons or property of any citizen of the United States, such as is punishable by the known laws of the land; the commanding officer, and officers of every regiment, troop, or company, to which the person or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of, the parties injured, to use their utmost endeavors to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending, shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being

made to him, be refused redress, he may complain to the general commanding in the State or Territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true statement of such complaint, with the proceedings thereon.

ART. 35. If any inferior officer or soldier, shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing of justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing, shall be punished at the discretion of the said court martial.

ART. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States, to be spoiled or damaged, shall, at his own private expense, make good the loss or damage, and shall moreover forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier who shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier who shall be convicted before a court martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted before a court martial, of having embezzled, or misapplied, any money with which he may have been entrusted, for the payment of men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

ART. 40. Every captain of a troop, or company, is charged with the arms accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing, from their commanding

officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

ART. 49. Any officer belonging to the service of the United States who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

ART. 51. No officer or soldier, shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any part of the United States, upon pain of death, or such other punishment as a court martial shall direct,

ART. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms or ammunition, or who shall quit his post or colors to plunder and pillage; every such offender being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watch word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste, or spoil, either in walks of trees, parks, fish-ponds, houses or gardens, corn-fields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

ART. 55. Whosoever belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which, the commanding officer is to be answerable.

ART. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States, in the field, though not enlisted soldiers, are to be subject to orders, according to the rules, and discipline of war.

ART. 61. Officers having brevets, or commissions, of a prior date to those of the regiment in which they serve, may take place in courts martial and on

detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty, and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

ART. 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts martial may consist of any number of commissioned officers from five to thirteen inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

ART. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution, until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 66. Every officer commanding a regiment or corps, may appoint, for his own regiment or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences, not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court martial shall have the power to try capital cases or commissioned officers, neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marine shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases, the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

ART. 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

“You, A. B. do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice according to the provisions of ‘An act establishing rules and articles for the government of the armies of the United States,’ without partiality, favor, or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding and the custom of war in like cases; and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*”

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

“You A. B. do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law. Nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*”

ART. 70. When a prisoner, arraigned before a general court martial, shall, from obstinate and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

ART. 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission,

Art. 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation, in the following form:

"You swear or affirm (as the case may be,) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

Art. 74. On the trials of cases not capital, before courts martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

Art. 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

Art. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Art. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Art. 78. Non-commissioned officers and soldiers, charged with crimes shall be confined until tried by a court martial, or released by proper authority.

Art. 79. No officer or soldier, who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

Art. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it, by a sentence of a court martial.

Art. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Art. 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Art. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Art. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of the particular State from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Art. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused with necessary witnesses, to be transported to the place where the said court shall be assembled.

Art. 87. No person shall be sentenced to suffer death but by the concurrence of two thirds of the members of a general court martial, nor except in cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial;\* and no officer, non-commissioned officer or soldier, or follower of the army, shall be tried a second time for the same offence.

Art. 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Art. 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which in the cases where he has authority (by article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Art. 90. Every judge advocate, or persons officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and

\*Punishment by stripes or lashes abolished. See sec. 7, act of May 16 1812.

sentence of such court martial, to the secretary of war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof. The party tried by any general court martial, shall, upon demand thereof made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

ART. 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine, and interrogate the witnesses, so as to investigate fully the circumstances in question.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court martial, in cases not capital or extending to the dismission of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

ART. 93. The judge advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire according to your evidence into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. *So help you God.*"

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You A. B. do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. *So help you God.*"

The witnesses shall take the same oath as witnesses sworn before a court martial.

ART. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end, that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier, shall die or be killed in the service of the United States, the then commanding officer of the troop, or company, shall, in the presence of two other commissioned of-

ficers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preference, or otherwise, they shall, before they be permitted to quit the same, deposite in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction, with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only, that such courts martial shall be composed entirely of militia officers.

ART. 98. All officers serving by commission from authority of any particular State, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed, by all officers and soldiers who are or shall be in said service.

SEC. 2. *And be it further enacted*, That in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of

the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

**SEC. 3.** *And be it further enacted,* That the rules and regulations, by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transaction under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

*Approved, April 10, 1806.*

Extract of an act passed 16th May, 1812.

**SEC. 7.** *And be it further enacted,* That so much of the "Act for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same is hereby, repealed.

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M I L I T I A .

Extract from the act of Congress.

*Organization and Discipline of the Militia.*

Each and every free able bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such citizen as aforesaid, and also those who shall from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds; and and shall without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot pouch, and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise, or into service; except, that when called out on company days to exercise only, he may appear without a knapsack. The commissioned officers shall, severally, be armed with a sword or hanger, and espontoon: and that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements required as aforesaid, shall hold the same exempted from all suits distresses, executions, or sales, for debt, or for the payment of taxes.

Every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the preceding article, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

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### E R R A T A .

In page 3, third line from the bottom, for "constitutionally" read "conscientiously."

In page 4, Sec. 5, for "coronet," read "cornet."

In page 6 Sec. 3, for "a Cornet and drill Aid-de-Camps," read "a Cornet and two Aids-de-Camp"

In page 9, Sec. 17, last line, for "shall been held," read "shall have been held."

In page 10, Sec. 22, first line, for "shall formed," read "shall be formed."

In page 10. Sec. 26, last line, for "who shall have to remit the fine," read "who shall have power &c."

In page 11, Sec. 28, second line from the top, for "officers," read "officer"

In page 15 Sec. 52, third line, for "Cohort Brigade," read "Cohort or Brigade."

In page 12, Sec. 33, tenth line, for "courts martial," read "court martial."

In page 16, Sec 57, seventh line, for "courts martial," read "court martial." Also third line, for "court martial," read courts martial. And eleventh line, for "account," read accounts.